

modification for another payable change which does have regulatory compliance, and such suggested modification is displayed to a gaming operator of said gaming terminal.

26. Apparatus as claimed in claim 21 wherein said microprocessor is programmed to prevent use of said first payable until information is input to said gaming terminal confirming regulatory approval of said first payable.

REMARKS

Reconsideration of this application and allowance of the claims is respectfully requested.

An extension of time to respond to the Office Action is requested, so that the due date for response will be four months from the date of the Office Action, namely July 3, 2003. A check for \$110.00 is enclosed as the extension fee.

Please charge Deposit Account No. 19-1351 of Seyfarth Shaw for the required extra claim filing fee for the addition of claims 24-26. Since claim 20 has been canceled, it is believed that the extra claim filing fee amounts to \$36.00, the large entity charge for two extra claims.

Claim 15 has been amended in response to the rejection under 35 U.S.C. 112.

Claims 1-4 and 8-11 have been rejected as being unpatentable over Walker et al. U.S. Patent No. 6,068,552, in view of Pease et al. U.S. Patent No. 3,526,104.

As the examiner states, Walker et al. discloses a game apparatus for configuring a payable for a gaming terminal. It is believed that the examiner recognizes that Walker et al. fails to disclose the language of claim 1: "... receiving identification information in said gaming terminal from a first gaming operator; ...comparing said identification information with authorized identities to verify that said gaming operator is authorized to access paytables of said gaming terminal...". For this reason, the examiner brings forward Pease et al. U.S. Patent No.

5,326,104, which teaches that an authorized manager, using a password and a system program, can alter paytables. (Column 24, lines 22 *et seq.* and column 26, lines 32-67.)

The examiner concludes that in light of a combination of these two references, it would have been obvious to allow only authorized individuals access to changing the paytables of the gaming machines of Walker et al. by the presence of a security system. (see the bridging paragraph of pages 6 and 7 of the Office Action).

To the contrary, what Walker et al. teaches is a system where the player can modify various perimeters of the game, such as the paytable. Note for example, the first paragraph of column 2 where it is stated, “In accordance with the present invention, a gaming device such as a slot machine provides a player the ability to modify at least one parameter of the slot machine.” Further in that paragraph, odds and pay out schedules are two of the things that are suggested for modification.

The examiner is urged to note that what Walker et al. teaches is a gaming device where the player is doing the modification of the paytable. Since it is the player that is modifying the paytable, there would be no reason to create a security system with authorized identities to limit access to the particular paytable modification system of Walker et al., for the reason that it is the public, the users of the machine, that are invited to modify the paytable! Clearly, this teaches away from the concept of claim 1, of a method where the paytable may be modified, including the claim 1 steps of “...receiving identification information in said gaming terminal from a gaming operator” and “...comparing said identification information with authorized identities to verify that said gaming operator is authorized to access paytables of said gaming terminal...”. Clearly, such a security system to keep the customers out would be a contradiction in terms when those skilled in the art were considering Walker et al. Accordingly, it is submitted that those

skilled in the art would not be lead to combine Walker et al. and Pease et al. as the examiner suggests with respect to claim 1 and its dependent claims.

Turning to claim 8, which is rejected on the same basis, here an apparatus for configuring a payable for a gaming terminal is defined, including "...a device, coupled to said gaming terminal, for receiving identification information from a gaming operator;" and "...said processor being programmed to compare said identification information with authorized identities, stored in memory coupled to said processor, to verify that said gaming operator is authorized...".

Here also, as in claim 1, this combination as defined in claim 8 would not be deemed to be obvious by Walker et al. in view of Pease et al., because those skilled in the art would clearly see that Walker taught against the combination with Pease, or with any other kind of security system designed to shut out the gaming public from payable modification. A major feature of the Walker system is to permit the gaming public to modify the payable!

Claims 1, 8, and their dependent claims have been amended to delete "means" language, in view of the narrow construction that has been placed on such by recent court decisions. It is believed that the scope of claims 1, 8, and their dependent claims is deservedly broader than such a narrow construction. Furthermore, the phrase "first user" has been replaced by "gaming operator" in these claims, to further clarify the fact that, by this invention, it is the gaming operator and not the general public that is modifying the payable in accordance with this invention, which is contrary to the teachings of Walker et al. For support of the phrase "gaming operator" note page 1, lines 1 and 2 of the specification, and also the first line of the "SUMMARY OF THE INVENTION" on page 3.

Claims 15-19 were rejected as anticipated by Walker et al. U.S. Patent 6,068,552. Claim 15 has been amended to incorporate limitations of claim 20, which adds the function that "...said microprocessor is programmed to compare results of said calculating to predetermined gaming criteria and output a message if said results fail to comply with said criteria."

Claim 20, which is of the scope of present claim 15, was rejected as unpatentable over Walker et al. in view of Van Huben et al. U.S. Patent No. 5,878,408. This large reference is a broad and very general description of a data management system and process, where, as indicated in Fig. 17 and at column 51, lines 29-37 a subsystem entitled "criteria compare" is utilized. Step 38713 determines whether a criteria check is necessary (column 51, line 12). While such comparisons are of course the essence of computer processing in a multitude of ways, this is submitted not to teach or render obvious the particular apparatus of claim 15, which relates to configuring a payable for a gaming terminal specifically, and the criteria compared here are gaming criteria, particularly criteria that are subject to state regulation, such as the specific profit of a payable.

The examiner is also urged to consider claim 21, dependent upon claim 15, in which the microprocessor is programmed to output at least a first suggested modification of a first payable when the first modification fails to comply with the criteria. It is submitted that there is nothing to be found in Walker or in Van Huben et al. that would teach a system of comparing criteria for a payable, followed by the putting forth of a suggested modification for a payable when initial results for a payable fail to comply with the criteria. Accordingly, it is submitted that claim 21 is patentable.

Also, the examiner is requested to consider claims 22 and 26. In these claims, the information which is input to the gaming terminal relates to required standards of regulatory

approval of the first payable criteria. Clearly, there is nothing in Walker et al. or Van Huben et al. that pertains to a database of factors of regulatory approval by a government, against which information can be compared, and compliance can be either confirmed or denied. Nothing of that is found in the references of the rejection.

In view of the above, it is submitted that claim 15, and its dependent claims, with particular reference to claims 21, 22, and 26, are submitted to be patentable.

Turning to claim 23, here is defined a method for approving a change to a gaming terminal payable, in which an essential part thereof relates to the step of transmitting, from the gaming terminal to a remote computer of a gaming regulatory agency, second information indicative of the payable change. The second information in the remote computer of the gaming regulatory agency is analyzed, and, only if the analyzing indicates regulatory compliance, is there an approval transmitted back to the gaming terminal from the regulatory agency computer.

This is believed to be the first time that a computer of an official regulatory agency is directly connected to a gaming terminal, so that official approval of the regulatory agency is directly involved with the modification of the payable of an individual gaming terminal.

It is submitted that nothing of the above is disclosed in any of the three prior art references, raised by the examiner in rejections of this application, namely Walker et al., Van Huben et al., and Pease et al.

The remaining claims which have not been discussed are all dependent claims, which are thus patentable along with the independent claims which have been discussed, and are submitted to be patentable. Accordingly, allowance of all claims is respectfully requested.

Respectfully submitted,

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Registered Attorney for Applicant
Date: June 13, 2003